

Message Text

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C O N F I D E N T I A L STATE 145374

E.O. 11652: GDS

TAGS: SHUM, TU, CY

SUBJECT: HUMAN RIGHTS EVALUATION: TURKEY

REF: STATE 143267

1. AS INDICATED REFTEL, DEPARTMENT IS PREPARING CLASSIFIED HUMAN RIGHTS EVALUATIONS FOR USG USE ONLY ON ALL COUNTRIES AS PART OF OVERALL PROGRAM TO IMPLEMENT US HUMAN RIGHTS POLICY. DEPT WOULD WELCOME ADDRESSEE COMMENTS ON FOLLOWING DRAFT ON TURKEY NO LATER THAN JUNE 27. (CYPRUS DRAFT EVALUATION STILL UNDER PREPARATION - TEXT WILL BE DISCUSSED WITH AMBASSADOR CRAWFORD AND SENT EMBASSY NICOSIA WEEK OF JUNE 27.)

2. BEGIN TEXT: TURKEY IS AN EVOLVING, DEVELOPING COUNTRY,
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NEITHER WHOLLY EASTERN NOR WHOLLY WESTERN, WHICH PRESENTS A MIXED PICTURE WITH REGARD TO HUMAN RIGHTS. IT IS A COUNTRY IN WHICH GREAT POLITICAL FREEDOM, A FREE PRESS AND MANY OF THE RIGHTS RESPECTED IN THE WEST EXIST SIDE BY SIDE WITH A RATHER HARSH AUTHORITARIAN SYSTEM WITH STRONG MILITARY INFLUENCE INHERITED FROM THE PAST. STRIDENT NATIONALISM HAS SOMETIMES LED TO DISCRIMINATION AGAINST MINORITY GROUPS, WHOSE INDIVIDUAL MEMBERS NONETHELESS REMAIN ABLE TO RISE TO HIGH POSITIONS IN TURKISH SOCIETY. GENERALIZATIONS ABOUT THIS COMPLEX NATION ARE DIFFICULT. OUR JUDGMENT, HOWEVER,

IS THAT TURKEY HAS A CLEARLY IMPROVING HUMAN RIGHTS RECORD.

3. THE TURKISH CONSTITUTION, PENAL CODE AND ADMINISTRATIVE REGULATIONS PROVIDE SAFEGUARDS WHICH APPROXIMATE DUE PROCESS AS UNDERSTOOD IN OTHER EUROPEAN COUNTRIES AND AFFORD PROTECTION FROM ARBITRARY ARREST AND DETENTION. TORTURE OR DEGRADING TREATMENT OF PRISONERS IS ILLEGAL UNDER TURKISH LAW. TURKEY'S FREE PRESS AND COMPETITIVE POLITICAL SYSTEM HAVE SERVED AS ADDITIONAL SAFEGUARDS.

4. NEVERTHELESS, ALLEGATIONS OF TORTURE OF POLITICAL PRISONERS CONTINUE TO EXIST. TORTURE APPEARS TO HAVE BEEN USED FREQUENTLY AGAINST POLITICAL PRISONERS UNDER THE MILITARY CONTROLLED GOVERNMENT FROM 1971 TO 1973, AND TO HAVE CONTINUED AT A REDUCED RATE IN 1974 AND 1975. IN 1976 AND 1977 ONLY SCATTERED INCIDENTS OF TORTURE WERE REPORTED IN THE TURKISH PRESS, AND IN INDIVIDUAL WITNESS STATEMENTS MADE TO AMNESTY INTERNATIONAL. WHILE INCIDENTS OF TORTURE DO STILL OCCUR THERE CLEARLY IS NO SYSTEMATIC POLICY OF TORTURE DIRECTED BY THE GOVERNMENT.

5. ARBITRARY ARREST OR IMPRISONMENT IS ILLEGAL UNDER TURKISH LAWS AND ADMINISTRATIVE REGULATIONS. ACCORDING TO CONFIDENTIAL

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THE TURKISH CONSTITUTION PEOPLE DETAINED FOR CRIMES MAY ONLY BE HELD 48 HOURS BEFORE BEING BROUGHT BEFORE A MAGISTRATE. UNDER CERTAIN CONDITIONS A PERSON CAN BE DETAINED FOR UP TO 15 DAYS. OCCASIONAL ALLEGATIONS THAT THESE DETENTION PERIODS HAVE BEEN EXCEEDED ARE NOT SUPPORTED BY SIGNIFICANT EVIDENCE. TRIALS IN TURKEY ARE OPEN AND DEFENSE LAWYERS ARE AVAILABLE UNDER ALL CIRCUMSTANCES.

6. RESPECT FOR FREEDOM OF THOUGHT, RELIGION, ASSEMBLY, AND THE ABILITY TO PARTICIPATE IN THE POLITICAL PROCESS ARE EXTENSIVELY PROTECTED IN TURKEY. TURKEY ENJOYS A VIBRANT POLITICAL PROCESS WITH PARTIES REFLECTING ALL PARTS OF THE POLITICAL SPECTRUM. ELECTIONS ARE WELL CONTESTED AND GENERALLY HONEST. FREEDOM OF WORSHIP IS PROTECTED UNDER BOTH THE TURKISH CONSTITUTION AND THE 1923 TREATY OF LAUSANNE. THE ARMENIAN PATRIARCH OF ISTANBUL STATED IN 1977 THAT "WE ENJOY COMPLETE FREEDOM OF WORSHIP." THE SMALL GREEK CHRISTIAN AND JEWISH POPULATIONS ALSO APPEAR TO ENJOY FREEDOM OF WORSHIP.

7. OTHER AREAS OF INTEREST INCLUDE:

(A) ARTICLES 141 AND 142 OF THE CONSTITUTION WHICH PROHIBIT SEPARATISM, THE DISSEMINATION OF COMMUNIST PROPAGANDA AND ORGANIZATIONS "AIMED AT ESTABLISHING THE DOMINATION OF A SOCIAL CLASS OVER OTHER SOCIAL CLASSES" AND ARTICLE 163 WHICH PROHIBITS ANY ATTEMPT TO OPPOSE SECULARISM OR "IMPOSE

RELIGIOUS PRINCIPLES ON THE BASIC SOCIAL, ECONOMIC, POLITICAL, OR LEGAL ORDER OF THE STATE." ARTICLE 163 IS A DIRECT INHERITANCE FROM THE REFORMS OF ATATURK AND WAS INTENDED TO BLOCK THE EFFORTS OF RELIGIOUS CONSERVATIVES TO HALT WESTERNIZING SOCIAL AND ECONOMIC REFORMS. AMNESTY INTERNATIONAL HAS HELD THAT THESE THREE ARTICLES ARE INCOMPATIBLE WITH PORTIONS OF THE UNITED NATIONS UNIVERSAL DECLARATION OF HUMAN RIGHTS AND THE EUROPEAN CONVENTION ON HUMAN RIGHTS. THE TURKISH BAR ASSOCIATION HAS ALSO CALLED
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FOR THE ABOLITION OF THESE PROVISIONS, PARTICULARLY ARTICLES 141 AND 142 WHICH HAVE, AT TIMES, APPARENTLY BEEN USED TO ARREST LEFTISTS, ESPECIALLY DURING THE PERIOD OF MILITARY CONTROL.

(B) THE TREATMENT OF MINORITIES. THE HISTORY OF TURKEY WITH REGARD TO MINORITIES IS EXTREMELY MIXED WITH PERIODS OF SAVAGE REPRESSION HAVING ALTERNATED WITH GREAT TOLERANCE. ON THE WHOLE, CONDITIONS HAVE CLEARLY IMPROVED. BUT CHARGES HAVE BEEN MADE THAT VARIOUS MINORITIES, PARTICULARLY THE ARMENIANS, GREEKS, AND KURDS SUFFER FROM CULTURAL AND ECONOMIC, ALTHOUGH NOT RELIGIOUS, DISCRIMINATION. THERE DOES NOT APPEAR TO BE ANY NOTICABLE DISCRIMINATION AGAINST INDIVIDUALS BELONGING TO MINORITY GROUPS, SOME OF WHOM ARE PROSPEROUS AND LEADERS IN THE GOVERNMENT AND PROFESSIONS. MINORITY INSTITUTIONS HAVE ENCOUNTERED PROBLEMS IN SUCH AREAS AS PERMITS TO MAINTAIN OR EXPAND EXISTING CHURCHES AND OTHER FACILITIES. IT IS NOT CLEAR WHETHER SUCH ACTIONS REPRESENT DELIBERATE GOVERNMENT POLICY OR ARE THE PRODUCT OF INDIVIDUAL GOVERNMENT OFFICIALS EXPRESSING THEIR OWN PREJUDICES.

8. THE KURDS CONSTITUTE A SPECIAL MINORITY PROBLEM. THE TURKISH GOVERNMENT REFUSES TO RECOGNIZE THE EXISTENCE OF KURDS AS AN ETHNICALLY DISTINCT GROUP AND PROHIBITS PUBLICATION IN OR TEACHING OF KURDISH. THIS HAS BEEN THE CASE SINCE 1925 WHEN A SERIES OF KURDISH REVOLTS THREATENED THE STABILITY AND UNITY OF EASTERN TURKEY. SUBSEQUENT KURDISH REVOLTS IN NEIGHBORING IRAN AND IRAQ HAVE KEPT ALIVE FEARS OF KURDISH SEPARATISM. DESPITE THESE EFFORTS AT OBLITERATING KURDISH ETHNIC IDENTITY THERE ARE NO BARRIERS TO INDIVIDUAL KURDS ADVANCING TO LEADING POSITIONS IN THE CIVIL SERVICE, MILITARY AND PROFESSIONS.
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9. TURKEY HAS ALSO RECENTLY HAD TO CONTEND WITH A HIGH LEVEL OF DOMESTIC VIOLENCE. APPROXIMATELY 200 POLITICAL MURDERS, MOSTLY THE RESULT OF INTERNECINE STRIFE BETWEEN LEFTIST AND RIGHTIST STUDENTS, OCCURRED DURING 1976 AND

1977. THIS HAS NOT YET AFFECTED THE OVERALL POLITICAL SYSTEM. TURKEY IS NO MORE AUTHORITARIAN TODAY THAN IT WAS BEFORE POLITICAL VIOLENCE BEGAN, AND THERE ARE NO SIGNS OF AN IMPENDING MILITARY INTERVENTION AIMED AT RESTORING A GREATER DEGREE OF ORDER.

10. GOVERNMENTAL POLICIES RELATING TO THE FULFILLMENT OF BASIC NEEDS FOR FOOD, SHELTER, HEALTH CARE AND EDUCATION ARE GOOD AND LIMITED ONLY BY THE ECONOMIC RESOURCES OF THE COUNTRY. THERE IS NO INDICATION THAT CORRUPTION DIVERTS SIGNIFICANT RESOURCES TOWARD ELITES OR AWAY FROM THE MAJORITY OF THE POPULATION. IN FACT, TURKEY'S OPEN AND HIGHLY COMPETITIVE POLITICAL SYSTEM INSURES A BROAD RESPONSIVENESS TO MAJOR SOCIAL NEEDS.

NORTHERN CYPRUS

11. TURKEY, AS THE POWER WITH ARMED FORCES CONTROLLING THE NORTHERN PORTION OF CYPRUS, MUST BEAR RESPONSIBILITY FOR CONDITIONS AS THEY EXIST IN THAT PART OF THE ISLAND. YET IT IS EQUALLY CLEAR THAT TURKISH DECISIONS ALONE ARE NOT RESPONSIBLE FOR ALL THAT HAS OCCURRED IN CYPRUS, THE INTERACTIONS OF GREEK AND TURKISH CYPRIOTS CERTAINLY BEING THE MAJOR CAUSE OF DIFFICULTY.

12. HUMAN RIGHTS PROBLEMS HAVE EXISTED ON THE ISLAND FOR OVER A CENTURY. DURING THE FIRST DECADE OF CYPRUS INDEPENDENCE, THE MINORITY TURKISH POPULATION COMPLAINED OF DISCRIMINATION, PRESSURE, AND PHYSICAL ASSAULTS. TURKISH INTERVENTION WHICH FOLLOWED THE GREEK-LED COUP AGAINST PRESIDENT MAKARIOS IN 1974 ENDED PHYSICAL THREATS TO THE TURKISH
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CYPRIOT COMMUNITY, AND LED TO A SITUATION WHERE GREEK CYPRIOTS CHARGED THAT TURKISH CYPRIOTS AND TURKISH MILITARY UNITS WERE COMMITTING VIOLATIONS OF ALL KINDS.

13. THESE CHARGES ATTRACTED WORLD-WIDE ATTENTION AND WERE EMBODIED IN PETITIONS TO THE COUNCIL OF EUROPE WHICH REQUESTED ITS COMMISSION ON HUMAN RIGHTS TO MAKE AN INVESTIGATION. THE SUBSEQUENT DRAFT REPORT, WHICH FINDS THE GOVERNMENT OF TURKEY RESPONSIBLE FOR SIX VIOLATIONS OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS, INCLUDING LOOTING, RAPE, ILLEGAL DETENTION, INHUMAN TREATMENT OF PRISONERS, AND THE EVICTION OF GREEKS FROM THEIR HOMES, COVERS THE PERIOD FROM JULY 1974 TO MARCH 1975.

14. THIS REPORT HAS NOT YET BEEN ADOPTED BY THE COUNCIL OF EUROPE. FINAL CONSIDERATION IS LIKELY IN THE FALL OF 1977 AFTER TURKEY PREPARES ITS REBUTTAL. NONE OF THE ACTIONS CONSIDERED IN THE REPORT ARE CONTINUING, THOUGH THE REPORT FINDS TURKEY RESPONSIBLE FOR THE INABILITY OF SOME

160,000 GREEK CYPRIOT REFUGEES NOW IN THE SOUTH TO RETURN TO THEIR HOMES IN NORTHERN CYPRUS.

15. SINCE TURKISH TROOPS ENFORCE THE POLICIES OF THE UN-RECOGNIZED TURKISH REGIME IN NORTHERN CYPRUS SOME RESPONSIBILITY MUST ALSO BE LAID AT TURKEY'S DOOR FOR THE REGIME'S ACTIONS CONCERNING MISSING PERSONS AND THE LIMITATIONS IMPOSED ON OUTSIDE INVESTIGATIONS OF HUMAN RIGHTS CONDITIONS. FULL-SCALE INVESTIGATION OF PERSONS MISSING SINCE THE 1974 HOSTILITIES (MOSTLY GREEK CYPRIOTS BUT INCLUDING SOME GREEKS AND TURKS) HAS NOT BEEN POSSIBLE. RED CROSS PERSONNEL AND THOSE OF THE U.N. PEACEKEEPING FORCES IN CYPRUS HAVE BEEN LIMITED IN THEIR MOVEMENT AND ABILITY TO REPORT ON HUMAN RIGHTS CONDITIONS. THE COMMISSION ON HUMAN RIGHTS OF THE COUNCIL OF EUROPE WAS DENIED PERMISSION
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TO CARRY ITS INVESTIGATION INTO THE NORTH.

ANALYSIS AND RECOMMENDATIONS

16. ANY CONSIDERATION OF HUMAN RIGHTS POLICY TOWARD TURKEY MUST START FROM THE RECOGNITION THAT CURRENT U.S.-TURKISH RELATIONS ARE STRAINED, AND THAT U.S. PRESSURE HAS BEEN APPLIED TO TURKEY IN VARIOUS FORMS SINCE 1974 WITH RESPECT TO THE SEARCH FOR A CYPRUS SOLUTION. THE PRESSURE HAS HAD MINIMUM SUCCESS TO DATE. INSTEAD, TURKEY HAS SUSPENDED ACTIVITIES OF IMPORTANT U.S. BASES AND INTELLIGENCE FACILITIES AND BEGUN TO QUESTION THE WISDOM OF ITS CLOSE RELATIONS WITH THE WEST AND THE VALUE OF ITS TIES WITH NATO.

17. UNDER THESE CIRCUMSTANCES NEW OR HEAVIER PRESSURE RELATED SPECIFICALLY TO HUMAN RIGHTS ISSUES IN TURKEY ARE UNLIKELY TO BE PRODUCTIVE. MOREOVER, HUMAN RIGHTS CONDITIONS IN TURKEY HAVE CLEARLY IMPROVED IN THE RECENT YEARS AND PROBLEMS RELATED TO CYPRUS STEM FROM SPECIAL CIRCUMSTANCES ARISING OUT OF A WAR SITUATION WHICH CAN ONLY BE RESOLVED THROUGH AN AGREEMENT FREELY NEGOTIATED BETWEEN THE PARTIES TO THE DISPUTE.

18. FUTURE SECURITY ASSISTANCE TO TURKEY HAS ALREADY BEEN TIED BY CONGRESS TO THE CYPRUS ISSUE, AND THEREFORE ADDITIONAL PRESSURE MUST BE CAREFULLY DEVISED AND APPLIED IF IT IS NOT TO UNDERCUT RATHER THAN SUPPORT OUR CURRENT POLICIES. IN EFFECT, WHAT IS NEEDED IS A SENSE OF PRIORITY AND AN UNDERSTANDING THAT GIVEN TURKEY'S PAST -- WHERE ECONOMIC ASSISTANCE WITH POLITICAL STRINGS ATTACHED LEFT A BITTER LEGACY -- THE CIRCUIT CAN BE EASILY OVERLOADED WITH RESULTS OPPOSITE TO THOSE WE SEEK.

19. IN ORDERING OUR PRIORITIES, PRIMARY ATTENTION SHOULD CONTINUE TO BE PAID TO THE SEARCH FOR A CYPRUS SOLUTION.

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NOT ONLY ARE THE LARGEST NUMBER OF PEOPLE INVOLVED (AROUND 200,000), BUT THE STRAINS CREATED BY THE CONTINUATION OF THE CYPRUS PROBLEM COMPLICATE OUR RELATIONS WITH GREECE AND TURKEY AS WELL AS CYPRUS. IN WORKING ON THE CYPRUS ISSUE IN CLOSE ASSOCIATION WITH THE UNITED NATIONS, WE SHOULD KEEP HUMAN RIGHTS CONSIDERATIONS CLEARLY IN MIND, AND MAKE CERTAIN THAT THE TURKS UNDERSTAND THAT ANY LASTING POLITICAL SETTLEMENT MUST BE ONE IN WHICH BASIC HUMAN RIGHTS ARE PROTECTED AND PROVISIONS ARE MADE FOR ADEQUATE COMPENSATION FOR PAST WRONGS. THE PRESIDENT REPORTS TO THE CONGRESS EVERY TWO MONTHS ON CYPRUS AND THIS VEHICLE CAN SERVE TO HIGHLIGHT BOTH TO THE AMERICAN PEOPLE AND THE TURKISH GOVERNMENT OUR EXPECTATIONS AND THE PROGRESS ACHIEVED WITH RESPECT TO HUMAN RIGHTS GOALS ON CYPRUS.

20. HUMAN RIGHTS PROBLEMS IN TURKEY, BOTH BECAUSE THEY ARE A LOWER ORDER OF SERIOUSNESS AND BECAUSE THE TURKISH GOVERNMENT IS MOVING TO CORRECT ABUSES ITSELF, MUST BE TREATED AS A LOWER PRIORITY MATTER IN THE PERIOD BEFORE A CYPRUS SOLUTION. FROM TIME TO TIME AS THE SITUATION DICTATES, WE CAN TALK TO THE TURKISH GOVERNMENT ABOUT INSTANCES OF TORTURE OR MISTREATMENT OF MINORITY GROUPS. ON APPROPRIATE OCCASIONS WE SHOULD ALSO BRING TO THE TURKISH GOVERNMENT ATTENTION REPORTS OF ORGANIZATIONS LIKE AMNESTY INTERNATIONAL AND EXPLAIN OUR LEGISLATIVE REQUIREMENT TO MENTION HUMAN RIGHTS REPORTING IN ANNUAL SUBMISSIONS TO CONGRESS. THIS IN ITSELF SHOULD STIMULATE TURKISH GOVERNMENT ACTION TO REMEDY INDIVIDUAL PROBLEM SITUATIONS.

21. WE SHOULD ALSO CONTINUE TO MAINTAIN CONTACT WITH LEADERS OF THE COMMUNITIES IN THIS COUNTRY WHO HAVE DIRECT CONTACT WITH MINORITY COMMUNITIES IN TURKEY. THIS MAY ANGER THE TURKS, BUT WE SHOULD NOT ATTEMPT TO SOOTHE

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TURKISH SENSIBILITIES ON THIS SCORE, NOR ATTEMPT TO INTERFERE WHEN ETHNIC GROUPS IN THE U.S., E.G. ARMENIANS, CARRY OUT PEACEFUL PROPAGANDA AGAINST TURKEY. IN RESPONSE TO TURKISH COMPLAINTS ON THIS SUBJECT, WE SHOULD MAKE IT CLEAR THAT: (A) WE CANNOT LEGALLY INTERFERE WITH PEACEFUL ETHNIC GROUP ACTIVITY AND (B) EXPRESS THE HOPE THAT TURKEY WILL TAKE ACTIONS TO EFFECT A RECONCILIATION BETWEEN ITSELF AND ITS DISAFFECTED MINORITIES.

22. WITH REGARD TO HUMAN RIGHTS ISSUES IN INTERNATIONAL FORA, INCLUDING CSCE, THE TURKS ARE PREOCCUPIED WITH DEFENDING THEIR POSITION ON CYPRUS AND SEEK ON EVERY OCCASION TO RESIST GREEK AND/OR GREEK CYPRIOT EFFORTS TO INTRODUCE

CYPRUS AS A TOPIC OF DISCUSSION. TURKISH INTEREST IN
HUMAN RIGHTS ISSUES OUTSIDE THE EASTERN MEDITERRANEAN IS
LIMITED AND TURKEY IS UNLIKELY TO SUPPORT U.S. HUMAN RIGHTS
INITIATIVES IN INTERNATIONAL FORA UNLESS SUCH SUPPORT WOULD
SERVE TURKEY'S FOREIGN POLICY GOALS. CHRISTOPHER

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